

REFLECTIONS
ON
PROFANE AND JUDICIAL
SWEARING.

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BY JOSEPH MOSER. *K*

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It chills my blood to hear the blest Supreme  
Rudely appeal'd to on each trifling theme.  
Maintain your ranks, vulgarity despise ;  
To swear is neither brave, polite, nor wise.  
You would not swear upon the bed of death :  
Reflect ! your Maker now could stop your breath.

*Fordyce's Poems, p. 206.*

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# PROFANE SWEARING.

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## PART I.

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WHEN we look around, and consider the present state of Society; when we observe that the edifice of Christianity, and the ties of Religion, have, for these last fifty years, been gradually weakened, unloosed, and at length, in some parts of Europe, entirely overthrown; it becomes an object of the greatest importance, to enquire into the cause which has produced these deplorable effects: But as a general consideration of the subject, a full review of the vices and enormities which disgrace the present times, would lead into a much wider field than it is possible to circumscribe in an essay; and to animadvert upon them would require volumes; I shall



confine myself in this short tract, to one, which is the ground upon which many others are erected, and consider Swearing under the two heads into which it may with propriety be divided; *Profane and Judicial.*

Many writers have thought it necessary to compliment the present æra as a period, in which the human mind has, from the universal diffusion of learning, or rather of books, obtained greater advantages, and received greater illumination, than in any of the preceding ages.

Taking it for granted that these assertions are founded upon facts; we might have cause to wonder that any nation, or indeed any individual, with the scriptural writings before them, the doctrines of which are explained from the pulpit, and the observance of which is, or ought to be, enforced by the laws, could for a moment deviate from the path which leads to righteousness and peace in this world, and eternal happiness in that which is to come, did not the general licentiousness of the age in some degree account for it. That licentiousness founded upon false pleasures, and encouraged by the tenets of false philosophy, hath increased as religion has declined; at first flowing like a gentle stream, it displayed a smooth



smooth and glossy surface, but latterly rushing like an impetuous torrent, it seems likely to overwhelm, and sweep into its vortex, the virtues, the principles, and the happiness of mankind!

Leaving, for the present, the other vices, which the fertile garden of human life so luxuriantly produces, let me arrest for one moment the attention of the dealers in profane and senseless expletives; while I ask them what pleasure they can derive from a constant appeal to Heaven, to witness the most trivial or infamous transactions? From calling upon the name of God, to attest their follies or villainy? Or, denouncing the vengeance of Omnipotence upon their companions, and imprecations upon themselves, in every paroxysm of passion, which inebriety, or any other circumstance equally vicious, might have excited?

The adulterer, or fornicator, finds momentary pleasure, perhaps, while pursuing the objects of his criminal passion; the drunkard in the haunts of mirth and the hour of conviviality; the gambler stimulated by avarice in the orgies of a gaming table; the thief may be urged by want; the assassin prompted by re-

venge; while virtue and humanity, shudders at the bare recital of these enormities: the actors of them might plead an excuse, bad as it is, which is impossible to be urged by the *Profane Swearer*.

In the vice which he practices, he can find no gratification of his passions; it can afford him no amusement; from it he can derive no profit; it will supply no want; nor will his repeated oaths and curses draw down the vengeance of the Almighty upon any head but his own.

Would I could say, with truth, that this irreligious violation of our duty, was but little practised in this age and nation; that owing to the exertions of magistracy, to the administration of those laws, which our ancestors have wisely promulgated to restrain, and the endeavours of officers who are appointed to guard the morals of the people, to prevent; that the inferior class have become more sober and virtuous.

Alas! I fear the very reverse is the case; that the libertine example of the higher orders of the community, hath been communicated to the middle rank, that the lower have caught the contagion,

contagion, and that a general dereliction of principle and neglect of duty prevails: While the laws to enforce our observance of those ties which bind Society together, are, by the supineness of magistracy, suffered to become a dead letter in their hands; and the parochial officers, satisfied with appearing to attend to the precepts and admonitions, which they hear from the pulpit, carry the remembrance of them no further than the church door, whence they descend into a parish, where the same profanation of the sabbath strikes their eyes every week; where the same oaths and curses daily assail their ears, and where the same dissoluteness of manners from one year to another, passes unnoticed by them.

In the present depraved state of human nature, in a metropolis where the inhabitants are surrounded by every incentive to vice and immorality, it is little to be wondered at, if the precepts and examples of the good, should operate but in a small degree, should be extended to a very narrow circle; in opposition to those vicious habits, which, unchecked in the earliest stages of life, have grown with the growth and strengthened with the strength of their votaries.



Of this description is the horrid practice of swearing: How often have our ears been shocked with the most dreadful blasphemies, with the most impious execrations proceeding from the mouths of infants? How often have we heard children wantonly sporting with oaths, and profanely lisping the name of their Creator, before they knew the meaning of the word?

When this habit so early implanted in the human mind begins to extend, and the infant becomes the school-boy, the irritable passions of youth, in this respect uncontrolled by his master or tutor, too often lead him further into this detestable vice; his vivacity, his ardour, which might even in his sports be turned to the acquisition of useful knowledge, and exerted in the pursuit of virtue, is too often suffered to spend its force in depravity; to seek pleasure from the tortures which he is prompted to inflict upon inoffensive animals, to become wantonly mischievous, and endeavour to arrive at fame and consequence among his fellows, by a licentious prostitution of the name of the Almighty, by breaking the Divine Commandments, and profaning the seminary of learning, nay the temple of the Omnipotent,  
with

with oaths, execrations, and ribbaldry, disgraceful to religion, virtue, and humanity!

If such is the growing plant, what can we expect from the tree when it comes to maturity? When that time arrives, and the depravity of youth ripens into manhood, the bad habits acquired in the early stages of life become confirmed, they fix themselves in the human mind, and are scarcely to be eradicated. To this circumstance it is owing, that we have frequent occasion to observe with regret, the conversation of those who move, even in the higher spheres, deformed with oaths, and mingled with expletives equally useless, senseless, and profane; to the scandal at once of their understanding, their religion, and their consciences!

Such being the deplorable state of piety and virtue among many who have been, as it is called, liberally educated; and who, from their situation, ought to have become examples to the lower class of people; it is little to be wondered, that the dissipation, the immorality, and the libertine principles, which are too fatally characteristic of the times, should have spread far and wide: or that the present relaxation in  
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the observance of religious duties, and verbal profanation of that sacred name, which never ought to be mentioned but with reverence and adoration, should be general among the vulgar.

While we hear their profaneness with horror, it must at the same time excite our compassion, if we consider the little care that is taken to form their minds, either by precept, example, or *coercion*!

Let the magistrates, the governors and guardians of the poor, traverse the lanes and alleys of this great city; let them observe the violation of the sabbath by every species of wickedness; the wide opened doors of the public houses, the drunken miserable wretches, the infamous prostitutes that swarm about them; let them behold children naked and destitute, wallowing in filth and dirt; let them attend, if they can without the greatest horror and disgust, to their conversation, in which all ages and sexes join in profaning the Name of God, calling upon him in a variety of new coined expressions, and exhausting their invention, to vilify and attack the Almighty upon his Throne! Let them see and hear all this, and then, laying their hands upon their hearts, ask themselves this question:

Have



Have I, as a Guardian of the public Peace and the public Morals, done my duty?

It would not perhaps be going very far out of the road, should I observe, that much of the profaneness, which shocks our ears from men in more advanced periods of life, hath been derived from a constant attendance, in their youth, upon stage exhibitions.

We know that the dramas of the last, and part of the present century, were notoriously faulty in that respect, and the more so, as they abounded in wit and ingenuity. How often have we heard the Name of God called upon to witness the most trivial, wicked or indecent transactions; the Majesty of Heaven insulted with appeals from the mouths of buffoons, dotards, or murderers; and depravity of manners encouraged, by the success of heroes that ought to have been hanged, and heroines that should have been sent to the house of correction!

The ancient authors, I mean those of Athens, and Rome, have shewn more regard to the morals of their audiences, and, *though Heathens*, are less frequent in their appeals to Heaven, or to their gods, than many of the moderns,

derns, whose pieces, to the scandal of Christianity, still keep the stage.

When a youth hath, during the period in which his passions are afloat, seen or read many pieces of the former description, can anyone assert, that they do not act as stimulatives to dispositions that perhaps want but few, and that the oaths, and blasphemy, which they hear, and the licentiousness which they see practiced in the theatre, doth not leave impressions upon their minds, which called into action by their commerce with the world, may influence their conversation and conduct during their future lives?

There are two bodies of men and those very large ones, that it is said, and I fear with truth, are more addicted to a wanton profanation of God's holy Name; to swearing for amusement, and blaspheming for want of better conversation, than most others taken in general; I mean our *Soldiers* and *Sailors*: And this sinful propensity is the more to be wondered at, as one would think, that the dangers to which both professions are, or may daily, nay hourly be exposed, would render them more attentive to their religious duties.

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The life of every human creature may be in one moment demanded, the thread of it's existence may be cut in an instant; and when the breath departs from our lips, no one can be assured of respiring it again. This, though common to all mankind, is peculiar to the two orders of men that I am now speaking of.— They, besides the accidents which may happen to every individual, have to encounter the chance of war, and elementary dangers; a wave, or a bullet may, nay must, almost daily destroy some of them. Who therefore would not suppose that beings thus situated should always be prepared? Should be remarkable for their regular conduct, for their piety and morality?

That they pursue a system, if it can be so called, diametrically opposite, is alas! but too certain. That the ship, or the camp, are schools of profaneness and impiety, and that the sailors and soldiers, brave the horrors of a storm, and range themselves in the front of a battle, with the most unthinking intrepidity, and frequently perish amidst blasphemy, shouts and volleys of oaths and execrations, against their Maker, has too often been a subject of additional lamentation.

Might



Might not these vicious habits be reformed, if proper attention was paid to their conduct, and a proper example set them by their superiors? The answer is obvious, *that they certainly might!* Experience hath proved, that there has been instances of captains having reformed their crews, officers their regiments; and although it were to be wished that they were more frequent, yet the few that have been, may serve to shew the influence which the higher ranks of life, particularly those appointed to *teach, command, or coerce*, may by the force of precept, example, and exertion, have upon their fellow citizens, who move in a less elevated sphere.

This being the case, how much doth it behove us all, in our different stations, at all times, and particularly the present, when the wide extended ruin arising from a total neglect and abandonment of religion, from the pursuit of the *ignis fatuus* of false principles, and the tenets of false philosophy, hath, as I observed before, rendered a neighbouring, and lately flourishing kingdom, a scene of bloodshed, anarchy and confusion. Let us therefore from so melancholy

melancholy an example, take warning, and avoid the first step down the slippery paths of vice.

Remembering that the first step, is generally taken at an early period of existence; and that it proceeds from the habit of treating the name of the Omnipotent irreverently and lightly; from having the minds of youth weakened, and perverted, by the frequent and at length habitual use of oaths, and execrations; whereby the foundation of religion is sapped, its temple overthrown, and the human heart rendered susceptible of the long train of vices and errors which at present too fatally predominate.

To conclude, may the hardened, the habitual, and Profane Swearer, be admonished by these loose hints, and endeavour to shun the fatal consequence of vicious pursuits, which every day exhibits! May he consider that the hour will come, and perhaps is at no great distance, when he will be called upon to give an account not only of his actions, but his words! and though that awful period may be for the present postponed, let him not pursue a course of wickedness which must ultimately end in his destruction; lest it should be said,

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“ *Because*

*“ Because sentence against an evil work is  
“ not executed speedily; therefore the heart of  
“ the sons of men is fully set in them to do  
“ evil.”*

ECCLESS. viii. 11.

END OF THE FIRST PART.

JUDICIAL



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# JUDICIAL SWEARING.

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## PART II.

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HAVING, in the first part of this small tract considered Profane Swearing in its several branches; I now proceed, in pursuance of my design, to collect a few scattered thoughts upon Swearing, which may with propriety be termed *Judicial*; and which the depravity of mankind hath made necessary.

When I reflect on the magnitude of the subject, I must confess I stand astonished at my own temerity; more especially, as it hath recently been very fully handled by a much abler pen:

The solemnity which ought to be annexed to oaths, and affidavits, hath lately been enforced by much higher authority, and congregations instructed in their duty by one whose ministerial profession, learning and eloquence,

gives additional importance to the strength of his reasoning, and the truth of his precepts\*.

Judicial oaths, from the increase of manufactures, the extension of commerce, and the influx of riches, which circumstances combined, have of late years produced more frequent litigations; have consequently increased in proportion.

To these, which may be considered as permanent sources of lawsuits, may be added many arising from local incidents, from quarrels, from inebriety from obstinacy, from the impulses of passion, and the artifices of fraud.

Besides the multiplication of oaths occasioned by the legal transactions above recited; they enter largely into every public, commercial, and fiscal concern; they are the test and qualification for every office, from the highest to the lowest; they are resorted to as proofs of the species of the commodities entered at the Custom-House, they are taken by the officers to enforce, and the traders to avoid the payment of duties, they are required upon all occasions, whether the matter concerns the reco-

\* This alludes to several sermons preached, and a very excellent tract, written by the Rev. Dr. Finch, published 1789.  
very

very of a few shillings in the Court of Requests, or many thousand pounds, under the sanction of the superior tribunals; and what renders them still more awful, they are the thread upon which is suspended the lives of our fellow creatures in criminal processes.

The powerful, the solemn, and the necessary instrument, an oath, whether we consider it as a fence and guardian to our property, an obligation to our duty, or an appeal to the Omnipotent, the strongest that can be made, to bear witness to the truth of our deposition, is, it must be allowed, an act the most important, both in its operation and effect to ourselves as individuals, or to Society in general, of any that can be undertaken. It is an act of such consequence, that it never ought to be resorted to but upon subjects of the greatest moment, never to be administered, but with the greatest solemnity and devotion.

“ As we confess that vain and rash Swearing,  
 “ is forbidden Christians, by our Lord Jesus  
 “ Christ, and his apostle James; so we judge  
 “ that the Christian religion, doth not prohibit,  
 “ but that a man may swear according to the  
 “ prophets teaching in justice, judgment and  
 “ truth.”



This passage from the 39th article, of our religion\* and which I have cited from Burn†, tho' it is by him quoted as a caution against vain and rash Swearing in the ecclesiastical courts, cannot be irrelevant to the purposes of this discourse, as they had originally the same foundation, and formerly had cognizance of a variety of matters now dispersed among other tribunals.

Before I proceed to the tendency and abuse of oaths, it may be necessary to make a few observations upon their antiquity in this and other nations; beginning with that of allegiance, which is, I believe, the most ancient. It seems to have taken its rise in the earliest periods and to have formed part of a mutual compact between the Patriarch and his Tribe, the Monarch and his People. When in the various changes and revolutions of the world the feudal took place of the oligarchical, democratic, and imperial systems of government; the oath of allegiance became a bond of homage and obedience, from the holders of large fiefs to the sovereign; from the knights to the baron; from the yeomen to the knight; who all, in their several stations, called upon the Om-

\* Of a Christian Man's Oath.

† Ecclesiastical Law, p. 4.

nipotent to bear witness to their vows of fealty and obedience, in return for the advantages they derived and the protection they received from their superior. This oath hath formerly been deemed so strong a tie, that it has been questioned by writers on the law of nations, whether banishment releases a man from it, even to the state that sent him into exile: *Tully*, and *Lord Clarendon*, declare in the affirmative; *Hobbs*, and *Puffendorf*, in the negative.

In the early ages of Christianity, oaths of this nature used to be administered with the greatest solemnity, and accompanied with the greatest devotion; but in more modern times, when the strictness with which the oath of allegiance had formerly been required, was considerably relaxed, it was thought necessary, by an Act of the 25th of Charles the Second, to give additional importance to it, by ordaining that every person who takes it as a qualification for an office should receive the sacrament.

When the pandects of *Justinian* were discovered at *Amalfi*, the laws which they contained, founded upon those of the twelve tables, which were by the Decemviri collected among the Republics of Greece, laid the foundation  
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of the *Jus Romanum*, the civil law of most nations, and particularly our own.

But though we adopted their maxims with respect to the great outlines of government, we seem to have forgotten that in the Athenian, and Roman courts, that necessary obligation in the executive part of their laws, an oath, or appeal to the gods, was rendered peculiarly solemn, either by the religious rites with which it was connected, or an injunction from the judges; sometimes both, for we find, that such hath been the depravity of human nature, that false witnesses were common in all ages\*.

We also find that at different periods, and in different parts of ancient Greece, false swearers were either punished with death, or condemned to suffer that annexed to the crime of which they accused others; and it appears from the story of *Glaucus*†, who consulted the Oracle to know whether it was lawful for him to perjure himself in order to keep a sum of money that was entrusted to him, that the Spartans con-

\* Non bene conducti vendunt perjuria testes,  
Non bene selecti judicis arca patet.

Ovid, Amor. lib. 1. Eleg. 10. 37, 38.

† Herodotus.



sidered the extinction of his family as a memorable example of the divine vengeance.

There was by the Roman law, an oath called the oath of calumny\* required of all persons engaged in law-suits; who were obliged to swear that their demands, and defences, were pure and upright, and without any intention to give unnecessary trouble, or to use evasion or cavils.

The darkness and ignorance which pervaded Europe in the twelfth century, does not in France seem to have extended to their jurisprudence, as about that period the practice arose of proving particular facts by inquest and witnesses upon oath.

In this country, the courts decreed the ordeal† by combat, from the time of Edward the Confessor, to that of Henry III. When the duel was granted, the knight that demanded it was solemnly sworn as to the truth and justice

\* Burn.

† The method of trial by the ordeal of fire or water, it appears extended much further than has generally been imagined, as I find in Mr. Halhed's translation of the Gentoo laws, preface, p. 58, that it is one of the most ancient institutes of Hindostan; and that, as in Europe, the parties were prepared and sanctified by a religious ceremonial.

of

of his cause, and the party purged was judged *expers criminis*.

The foregoing authorities, and examples, are, and many more might be adduced, to shew that under the ancient governments, whether Greek, Roman, French, or English, an oath, was considered both by the Heathens, and Christians, as a transaction of the greatest importance; as the seal of truth, as maintaining their assertions at the peril of their souls, and that they were less frequent, and administered with greater solemnity than at present. We might naturally ask, whether the act of violating them hath become less repugnant to the dictates of the Divine Commandments, or the tenets of human laws? Whether the judges, and other magistrates, concerned in the administration of justice, the commissioners, and other officers, before whom oaths are required, are not as thoroughly convinced of the necessity, that those who come to declare "That they will speak the truth, the whole truth, and nothing but the truth" as they hope for the help and protection of God, and to seal their affirmation by impressing their lips upon the holy Evangelists, should be as fully apprized  
of

of the solemnity and importance of their undertaking, as they were in former times?

It has been observed in a critical publication  
 “ That if our parochial clergy could *spare* the  
 “ time necessary to impress the lower orders of  
 “ their parishioners, with the general idea of  
 “ their religious obligations, the witnesses  
 “ would answer under immediate awe, and  
 “ there would be no need of books to supply  
 “ the defect of regular duty.”

The passage from which this is quoted, alludes to a small tract upon Judicial Swearing and, as the reader will observe, it is a general reflection; to which the reply is easy: For that the parochial clergy are not *all* defective in this part of their ministration the critics might have known, if they had not been readier to censure than enquire. A very little trouble would have served to convince them, that if prevarication and perjury exists, it is not for want of proper admonition from our ministers both by preaching and writing; the tract which I mentioned at the beginning of this paper and to which I refer the reader, is an instance of the latter, and of the frequency of the former if he has been in the habit of attending



attending to his religious duties, his memory will sufficiently inform him.

But alas ! many of the people, that might perhaps be benefited by preaching or writing, seldom read, and still seldomer go to church, therefore the advantages they might receive from elocution and literature are totally lost with respect to them. To reclaim the impenitent, the hardened sinner, the trader in oaths; the man who sets conscience to sale; or those that seek to entice, or entrap the unwary, to suborn others to perjury; requires a more powerful hand, one that can add immediate punishment, when admonition has failed; and certainly with respect to this class of offenders is more the duty of a magistrate than a minister.

To magistrates therefore, will the subsequent pages of this discourse be chiefly addressed: As in considering this subject; in reviewing the tremendous consequences both to life and property, the frequency, and I fear, the increase of perjury; I have reason to think, that those who preside in our courts of judicature, do not exert themselves so much for the prevention of this crime, as their exalted situations would enable them, and their duty to the public requires them to do.

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It is a melancholy reflection, while it is a strong proof of the depravity of human nature, that there is scarcely a trial, but an accurate observer may discern in the witnesses, either of the one side or the other, though they have sworn to speak the truth, the whole truth, and nothing but the truth, a strong bias to give a false colouring to particular circumstances; to misrepresent, or conceal facts; and to form a picture of things, rather as they, under the guidance of their passions or interest, appear to them, than as were in reality.

To winnow the grain from the chaff, to endeavour to drag the truth from the wilful reluctant bosom, is, or ought to be, the end of cross examination; and when it stops at that point, it is undoubtedly of the greatest importance; at the same time, the judgment of the witness should have fair play; his situation is awful, therefore his ideas should be clear and every attempt to mislead, confound, or overbear him, should meet with the reprehension of the court.

Whether the judges consider the penalties annexed to perjury in this world as sufficient to secure all the property, character, and existence that depends upon an oath; whether they

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narrow their views, and look upon these solemn asseverations, which are daily, nay hourly, ascending to Heaven, as matters that must necessarily occur in the routine of business, or suppose that every witness who appears is perfectly aware, that he is pledging his soul, and endangering his body, should he bear false testimony, is uncertain; but it is certain, that in the immensity of affairs which press upon the courts, oaths are suffered to pass, though many of them are extremely suspicious, without any observation from the bench.

Nor is the attention paid to the swearing the Jury, more than that bestowed upon the witnesses. In the court of King's Bench, you may observe that they have three books, each of which is held by four Jury-men. The Crier, who, perhaps, is just awakened, starts up, hurries over the words, "You shall well and truly try the issue joined between the parties, &c." So help you God." And makes one repetition serve for the whole dozen.

In the Common Pleas, the practice frequently has been, to swear the jury by couples; and what has ever appeared to me extremely strange, in all the courts, they administer



nister the oath with greater decorum, and more solemnity, to the special, than the common jury.

That the facts are so, the observation of every one that hath attended upon either must have convinced him; though if we were to suppose that the higher we ascend in life, we should find the people more pious, more enlightened, and more thoroughly acquainted with their duty, there would be good reason to reverse that practice.

In the court of Quarter Sessions they likewise swear the jury by pairs; and, with respect to the grand and leet juries, another absurd, and irreverent custom prevails: viz. the foreman of either, has the oath fully administered to him, while, *to save time*, his colleagues only swear to perform what he has sworn. The oaths, in this court, are still more negligently offered to the witnesses, as all that are for the plaintiff, and all that are for the defendant, are collected into two bodies; each of which, if there is room for their hands, hold the same book, and have the same oath, without the least reverence repeated to them all at once.

The profanation of God's holy name, in a manner which can scarcely be called Judicial, before our police and municipal magistrates; the permitting oaths to be taken in order to procure warrants, upon the most trivial matters by the most profligate, wicked and abandoned persons, in the hours of their debauchery and intoxication; the suffering them to have that kind of legal revenge upon each other, while perhaps their children are crying for that bread which the shilling, so idly and wickedly expended, would have procured, is a subject which would lead me further into the field of animadversion, than is consistent with the design of this paper. I must therefore leave it to the consideration of the legislature, as an evil, which though in a small degree suppressed, still demands a further remedy.

While oaths are suffered to become so common, are required upon occasions so trivial, and unnecessary; while such little care is taken by the magistrates to impress upon the minds of the people, whether they stand as accusers, witnesses, or jurymen, the solemnity of the obligation that they have entered into; the importance of the appeal that they have made; can we wonder

wonder at the prevarication, the shuffling, the flagrant perjuries that so frequently alarm and shock the thinking mind, in our courts of judicature?

A practice prevails in cases where bail in actions of debt is justified, which, if my observation is founded on truth, is dreadful, and cannot too speedily, nor too generally, meet with the severest reprobation: I mean when persons are suffered to swear to their possession of such a sum more than will pay all their debts, that they are house-keepers, &c. when it is well known, that these circumstances are assumed\*, and equally well known, from the frequency of their appearance on the same business that all that they have uttered is a notorious falsehood; that they are taking the name of God in vain, calling upon the Omnipotent to witness a deception; setting their souls to sale, and making a trade of the most solemn act of their duty whe-

\* The story of Lord Mansfield's observing of a Jew bail, who, every one knew, was perjuring himself "That the gentleman's oath might surely be taken; as from the richness of his apparel, he was pretty certain he would *burn* to the value of what he swore himself worth:" However it might pass as a *Jeu d'esprit*, was, I think, too ludicrous for the occasion; I mention it merely to shew that Such Things Are.



ther it be considered in a religious or legal sense.

Here let us pause; and while we reflect upon the depravity of human nature, the proneness of mankind to wickedness, lament that some part of it arises, from the little care that is taken by their superiors to direct them into the right path, if they have gone astray; to admonish them if they suspect prevarication or perjury; or to use the concise means with which they are armed to keep them to their duty, or punish them for the breach of it.

The English Laws, are in their tenor and effect mild and benevolent; they were in their original intention, designed to place all ranks in the eye of justice upon an equality; in their original principles, they were simple, in their operation they were efficacious. How much then doth it behove the legislators and administrators, to take care that they shall descend to posterity, in theory pure as they received them from their ancestors; in practice unfulled by evasions, neither tangled by subterfuges, nor stained by perjuries.

The merits of every cause, the strength of every defence, must rest upon the purity of the witnesses;

witneſſes; it is certainly therefore, the duty of magiſtrates to take care that the importance of their ſituation is properly impreſſed upon their minds; that their aſſeverations, if there is any reaſon to ſuſpect either fraud or ignorance, are preceded by a proper admonition from the bench, and that the oath is adminiſtered in the moſt ſolemn manner.

The idea of the perdition of the everlaſting torments that await the ſouls of thoſe that bear falſe witneſs, ſeems to have had but little effect upon men's minds, and when perjury has been puniſhed, the eternal conſequences of ſuch a breach of morality have been loſt in the conſideration of the dreadful effect it has had upon the property, the character, or the life of individuals; theſe, though things of great importance, are not by thoſe who look upon the crime in a religious point of view, to be placed in compariſon with the former; though, if we blend them together they add ſtrength to each other, and ſhew us that the ſin of perjury, taken in a ſacred and moral ſenſe, is more diſtructive in its conſequences, more pernicious in its operation, than moſt of the other perversions of the human mind.

Before

Before a much humbler, though perhaps, as far as its power extends, not a less beneficial tribunal to the public, than those I have mentioned, oaths are tendered with greater devotion and reverence. In the Court of Requests\*, the commissioners, impressed with their solemnity; do not suffer them to be wantonly and unnecessarily taken, and when the circumstances of the case require a solemn asseveration, they stand uncovered while the words are repeating.

I have in the course of my attendance, observed them to go further, and when they have supposed, that the party or parties preparing to swear, were ignorant of the obligation they were about to enter into, they have explained it to them, placing it both in a religious, and legal point of view. The consequence has several times been, that with the book in their hands, and the awful words trembling upon their lips, they have recoiled, nay, burst into tears, and retreated in time from the brink of perdition.

Might not a practice of this kind, from which legal processes would derive additional

\* This alludes to the Court of Requests for Westminster, the only one that the Author is acquainted with.

solemnity,



solemnity, and which, it is scarcely to be doubted, would be attended with the most salutary effect to the lives and property of individuals, and to the souls of the deponents; be introduced into the higher courts? There could be no objection to it, but the delay it would cause, and the time it would take to examine, and sift the consciences of the witnesses before they were suffered to swear; but an objection of that nature, can surely have little weight, when balanced against the good that would result from it.

There is another branch of swearing, which though permitted, and indeed required by the legislature, I am from observation inclined to think, in the greatest degree useless and profane; I mean the oaths taken at the hustings for the purpose of elections.

In this age of speculation and systems, a reformation of parliament has been the object of a pretty general discussion among all ranks of people. To give any opinion on such a measure, would, in a tract of this kind, be extremely improper: I shall therefore only observe, that if a reformation is wished among our  
 repre-

representatives, it is equally to be desired among their constituents.

Could a mode of election be adopted that would put an end to the riots, drunkenness, prophaneness, blasphemy, and perjuries, which are the concomitants of the choice, can be so called, of members of the lower legislative assembly, the authors of it would deserve the thanks of their country. That the oath now so irreverently administered, and taken, should be rather abolished than profaned, is, I believe, the wish of every friend to virtue and truth. How shocking is it to observe the electors, reeking from inns and alehouses, flushed, heated, perhaps totally inebriated, ascend the hustings, take the holy book in their hands, and swear to what they, and perhaps everyone around them, know to be false; for whether they have received the actual wages of corruption, previous to their polling, or rely upon a promise, is immaterial; the crime is equal as the oath provides against either; and it generally comes out, when these matters are discussed before a committee, that few of the voters have endangered their souls *gratis*.

That

That this and every other species of *Judicial Swearing* is suffered to pass, without the proper consideration which the importance and solemnity of the obligation requires, I have in the preceding pages endeavoured, as well as my feeble powers would permit, to impress upon the mind of the public. If what has been said should call to the remembrance of my readers the works of authors who have handled the subject much more ably, and if their observations should induce the guardians of our morals, and our peace, to pay more attention to the impious practices of *Profane Swearing* and *Perjury*, which, I am fearful, gain upon us daily, I shall sincerely rejoice.

In these days of unexampled wickedness in another kingdom, too much care cannot be taken, that the perversion in morals, and disavowal of religious obligations, which there prevails, do not spread their contagious example to this nation. I have already observed, how much the lives and property of our fellow subjects depend upon the purity of witnesses; for though the judges are independent, though juries may be impartial, yet, as they must try every cause by the evidence, if any part of that

is



is corrupt or wilful, the whole fabric built upon it must be undermined; therefore it is to be wished, that all who stand in that awful situation, may, in future, attend to the tenet with which I shall conclude.

*" If a man, vow a vow unto the Lord; or  
" swear an oath to bind his soul with a bond, he  
" shall not break his word; he shall do according  
" to all that proceeded out of his mouth."*

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FINIS.

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*Just Published,*

BY THE AUTHOR OF THIS ESSAY,

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